



Atty. Docket No.: 21715/1010 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Pelletier, et al.
Serial No.: 09/689,952
Filed: October 12, 2000
Entitled: Compositions and Methods Involving
an Essential Staphlococcus Aureus
Gene and its Encoded Protein

Examiner: Kam, C.M.
Group Art Unit: 1653
Conf. No.: 7855

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, Express Mail Label No. EV242759075US on this date, November 15, 2004, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kathleen M. Williams

Name of Person Mailing

Signature of Person Mailing Paper

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL PURSUANT TO 37 CFR § 1.191(a)

Sir:

Applicant hereby appeals to the Board of Appeals and Patent Interferences from the decision of the Primary Examiner dated January 8, 2004, in which the rejection of Claims 1-8, 13, 14, 17-20, and 22-25 were made final.

The Commissioner of Patents is hereby authorized to charge the fee of \$170.00 to Deposit Account No. 16-0085, Reference No. 21715/1010 for filing this Notice of Appeal under 37 C.F.R. § 1.17(b). A duplicate of this letter is enclosed for that purpose.

The following checked items are appropriate:

A response to the final rejection:

was filed previously.

accompanies this paper.

A petition for extension of time under 37 C.F.R. § 1.17(b) for one months accompanies this paper.

Oral Hearing

[] An oral hearing before the Board of Appeals is hereby requested under 37 C.F.R. §1.194. The Commissioner is authorized to charge the fee required under 37 C.F.R. §1.17(g) (\$) to Deposit Account No. 16-0085, Reference No.

The Commissioner is hereby authorized and instructed to charge any additional fees that may be required in connection with this paper, or to credit overpayment, to Deposit Account No. 16-0085, Reference No. 21715/1010. A duplicate of this paper is enclosed herewith for accounting purposes.

Date: 11/15/04

Respectfully submitted,

Name: Kathleen M. Williams
Registration No.: 34,380
Customer No.: 29933
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100